

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ZEICHNER, ELLMAN & KRAUSE, LLP,
Plaintiff and Interpleader Plaintiff,

v.

KATHY COKUS, Defendant and Interpleader
Defendant, and OCTAVIO PENA, Interpleader
Defendant.

No. 07-CIV-9521

MOTION TO DISMISS
DUE TO PENDENCY
OF A PRIOR ACTION

AND NOW, comes Defendant Kathy Cokus, by and through her undersigned counsel, Bochetto & Lentz, P.C., and moves this Court for an Order dismissing this action due to the pendency of a prior action. In support of this Motion, Cokus incorporates by reference the accompanying Memorandum of Law being filed contemporaneously herewith.

Respectfully submitted,

BOCHETTO & LENTZ, P.C.

/s/

By: _____

George Bochetto, Esquire
1524 Locust Street
Philadelphia, PA 19102
Ph: (215) 735-3900
Fx: (215) 735-2455
Attorney for Defendant Kathy Cokus

Date: November 14, 2007